



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, JANUARY 9, 2003**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 9, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Pastor Alan Young, Grace Temple Church

Mayor Garcia called the Council Meeting to order at 12:09 p.m.

Mayor Garcia recessed the Council Meeting at 12:10 p.m. to go into Executive Session

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

1. Discuss legal issues related to the draft hazardous pipeline ordinance

Executive Session ended at 1:37 p.m.

Mayor Garcia called the Council Meeting to order at 1:38 p.m.

CITIZEN COMMUNICATIONS: GENERAL

2. Jake Billingsley - Historic Clarksville and Train/Mopac Noise
3. Nathaniel Booker - Monitors Office vs. APA
4. Gus Pena - (1) Keep Austin Affordable. (2) Keep the Push for Affordable Housing, Low Income Affordable Transitional Housing for Homeless Families.
5. Kevin B. Cannon - My self and Clinic Doctors in the East Side of Austin, TX. USA, African American
6. John Empey - Flooding

7. Terry Irion - Pardon for Defendant in Municipal Court Cause Nos. 5142825, 5142860, 5142862, 5142888, 5142890, 5142864, 5142865, 5142886.
8. Sylvia Herrera - Govalle/Johnston Terrace Neighborhood Plan Final Recommendations.
9. Susana Almanza - East Austin Neighborhood Plans should be respected by Planning Commission and City Council. Why are they called Neighborhood Plans! It's our plans.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

10. Approval of minutes from worksession of December 11, 2002 and regular meeting of December 12, 2002.
The minutes from the work session of December 11, 2002 and the regular meeting of December 12, 2002 were approved.
11. Authorize negotiation and execution of an amendment to the Austin-Bergstrom International Airport Concession Lease Agreement with HARLON'S BAR-B-Q Bergstrom IV L.T.D/SIERRA CONCESSIONS JOINT VENTURE to permit the operation of a Popeye's Famous Fried Chicken restaurant and establish new concession rates for that facility. (Possible additional revenue to the City of \$13,200 per year.) (Recommended by Austin Airport Advisory Commission)
This item was postponed to January 30, 2003.
12. Approve a resolution to authorize giving written consent for a period of six months to the creation of the proposed Bastrop County Emergency Services District Number 1.
Resolution No. 030109-12 was approved.
13. Approve an ordinance amending Ordinance No. 020910-01, the 2002-2003 General Fund Operating Budget by increasing appropriations to the Fire Department by \$1,392,301.92 for a public safety premium.
Ordinance No. 030109-13 was approved.
14. Approve an ordinance amending Ordinance No. 020910-01, the Fiscal Year 2002-2003 Approved Operating Budget, amending the Special Revenue Fund by appropriating \$241,442 in additional funds from the Worksource Greater Austin Area Workforce Board for the Health and Human Services Department's Special Revenue Fund (Certification 2000-2001 Fund, formerly Title IV-A) for a total budget amount of \$1,341,442. [Funding in the amount of \$241,442 from the Worksource Greater Austin Area Workforce Board to the Health and Human Services Special Revenue (Certification) Fund. The grant period started October 1, 2002 and is open-ended. No match is required.]
Ordinance No. 030109-14 was approved.
15. Approve execution of a three-party contract between the CITY OF AUSTIN, TRAVIS COUNTY AND TEXAS MIGRANT COUNCIL to purchase and administer direct child care services in an amount not to exceed \$1,105,231 (City \$666,454; County \$438,777) for the contract period January 1, 2003 through December 31, 2003, with two 12-month renewal options in an amount not to exceed \$1,105,231 (City \$666,454; County \$438,777) per extension for a total contract amount not to exceed \$3,315,693 (City \$1,999,362; County \$1,316,331). (Funding in the amount of \$476,039 in funding is included in the Fiscal Year 2002-2003 Approved Operating Budget for

the Health and Human Services Department, Sustainability Fund. \$23,802 in administrative fees is available from the childcare certification funds. Funding for the remaining three months of the original contract period and renewal options is contingent upon available funding in future budgets.) (Approved by The Child Care Council)

The motion authorizing the execution of a three-party contract was approved.

16. Authorize execution of an eight-month contract with the TEXAS CENTER FOR WOMEN'S BUSINESS ENTERPRISES to provide youth services under the Southeast Austin Community Youth Development (SEACYD) Program in the 78744 zip code area for the period of January 1, 2003 through August 30, 2003, at a cost not to exceed \$88,889 with two 12-month extension options not to exceed \$109,115 per extension for a total contract amount not to exceed \$307,119. [Funding in the amount of \$88,889 is available in the 2002-2003 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund. Funding for the extension options is contingent on availability of funding in a future budget.]

The motion authorizing the execution of a contract was approved.

17. Approve a resolution for negotiation and execution of professional services contracts with the following firms to provide state representation services for the 78th Legislative Session: MARTA GREYTOK, in an amount not to exceed \$65,000; CLAYTON POPE, in an amount not to exceed \$90,000; and, ANGELO ZOTTARELLI, in an amount not to exceed \$189,000. The total amount of the contracts does not to exceed \$344,000. [Funding is included in the Fiscal Year 2002-2003 Operating Budget of the Solid Waste Services Department (\$77,500); the Water & Wastewater Utility (\$77,500); and, funding in the amount of \$189,000 is available in the 2002-2003 Amended Operating Budget of the Electric Utility Department.]

Resolution No. 030109-17 was approved. Council Member Alvarez abstained.

18. Approve an ordinance authorizing acceptance of \$1,851,741 grant from the U. S. Department of Housing and Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control and amending Ordinance No. 020910-01, the Fiscal Year 2002-2003 Operating Budget of the Neighborhood Housing and Community Development Special Revenue Fund by appropriating \$1,851,741 for the Lead Based Paint Hazard Control Program and adding 3.0 FTEs. [Funding is available from the United States Department of Housing and Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control Program for Fiscal Year 2002-2003. \$686,844 City Match (Services and Programs).] (Related Items 19 and AHFC-2)

Ordinance No. 030109-18 was approved.

19. Approve the execution of an amendment to the 2002-2003 operating agreement with the Austin Housing Finance Corporation (AHFC) by increasing the operating agreement in an amount not to exceed \$1,851,741. To reflect the award of the federal LEAD HAZARD CONTROL GRANT PROGRAM for a total contract not to exceed \$13,174,550 and adding 3.0 FTEs. [Funding in the amount of \$1,851,741 is available from the United States Department of Housing and Urban Development (HUD) from funds authorized by the Office of Healthy Homes and Lead Hazard Control Program for Fiscal Year 2002.] (Related Items 18 and AHFC-2)

The motion authorizing the execution of an amendment to the 2002-2003 operating agreement was approved.

20. Approve the negotiation and execution of an agreement with the Austin Community Development Corporation (ACDC) in an amount not to exceed \$100,000, to provide financial assistance to small businesses and small commercial development projects that create jobs for low-to-moderate income persons. [Funding is available in the Fiscal Year 2002-2003

Neighborhood Housing and Community Development Department (NHCD) 28th year Community Development Block Grant (CDBG).]

The motion authorizing the negotiation and execution of an agreement was approved.

21. C14-02-0079 – Stone Tract – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9601-9641 South Chisholm Trail (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to SF-1, Single Family Residence Large Lot district, zoning as amended by the applicant from the original request of SF-3, Family Residence district, zoning. City Council approved RR, Rural Residence district, zoning and first reading. Second reading on December 12, 2002; Vote: 5-2, Wynn and Dunkerley-nay. First reading on October 10, 2002; Vote: 5-2, Wynn and Dunkerley-nay. Applicant: Bobby and Betty Stone. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Gager, 974-3057.

This item was postponed to January 16, 2003.

Items 22 and 23 were pulled for discussion.

24. C14-02-0152 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7800 U.S. Highway 290 West (Williamson Creek Watershed-Barton Springs Zone) from GR-CO, Community Commercial-Conditional Overlay Combining district, zoning to GR-CO, Community Commercial-Conditional Overlay Combining district, zoning. First reading on November 21, 2002, Vote: 6-0, Goodman absent. Conditions met as follows: Conditional Overlay and restrictive covenant incorporates conditions were imposed or accepted by City Council at first ordinance reading. Applicant: Buffalo Equities, LTD. Agent: Brown McCarroll (Nikelle Meade). City Staff: Annick Beaudet, 974-2975.

This item was postponed to March 6, 2003.

25. C14-02-0156 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the east side of River Place Blvd. approximately one mile north from its intersection with Milky Way Drive (Lake Austin Watershed) from SF-5, Urban Family Residence district, zoning to SF-6, Townhouse and Condominium Residence district, zoning. First reading on December 12, 2002, Vote: 7-0. Conditions met as follows: No conditions were imposed by City Council at first ordinance reading. Applicant: R.P. Preserve Ltd. (Blake Mcgee). Agent: Longaro and Clarke (Joe Longaro). City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 030109-25 was approved.

26. Approve a resolution authorizing application and acceptance of \$80,000 in sixth year grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the renewal of Austin Police Department project entitled "Assistance to Female Victims of Domestic Violence." (Grant renewal funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the grant period September 1, 2003 – August 30, 2004. An in-kind match of \$35,897 is required and will be met by continuing the existing salary funding and additional personnel costs of the two grant funded FTE's. The amount will be proposed in the Fiscal Year 2003-2004 Operating Budget for the Austin Police Department (APD), Victim Services Program. Funding for the continued operation of this program is contingent upon available funding in future budgets.)

Resolution No. 030109-26 was approved.

27. Approve a resolution authorizing application and acceptance of \$80,000 in sixth year grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the renewal of Austin Police Department project entitled "Outreach to Female Victims of Domestic Violence and Stalking." [Grant renewal funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the grant period September 1, 2003 – August 30, 2004. An in-kind match of \$40,658 is required and will be met by continuing the existing salary funding and additional personnel expenses for grant funded FTEs to be proposed in the Fiscal Year 2003-2004 Operating Budget for the Austin Police Department (APD), Victim Services Program. APD Victim Services has two VAWA grants, each funding two counselors, because there is a \$80,000 cap on the dollar amount for VAWA grants submitted to the State. Funding for the continued operation of this program is contingent upon available funding in future budgets.]
Resolution No. 030109-27 was approved.
28. Approve a resolution authorizing the application for and acceptance of \$310,750 in renewal grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act for the Austin Police Department for ten full-time equivalent (FTE) Victim Counselors for a "Comprehensive Victim Services Program". [Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period July 1, 2003 – June 30, 2004. An in-kind match of \$255,248 is required, and will be met by continuing existing salary funding and the additional salary costs for the grant-funded positions. The match can be found in the approved Fiscal Year 2003 Operating Budget for the Austin Police Department (APD), Victim Services Program, and it will be proposed in the Fiscal Year 2004 Operating Budget. Funding for the continued operation of this program is contingent upon available funding in future budgets.]
Resolution No. 030109-28 was approved.
29. Approve a resolution authorizing application and acceptance of \$208,035 in grant renewal funding from the State of Texas, Office of the Governor, Criminal Justice Division, *Juvenile Accountability Incentive Block Grant Program*, to continue support for the Juvenile Diversion Center for youth who have committed Class C criminal offenses. (Grant funding is available from the State of Texas, Office of the Governor, Criminal Justice Division, for the grant period of February 1, 2003 through January 31, 2004. A cash match of \$27,912 is required and is in the Fiscal Year 2002-2003 Operating Budget of the Police Department. Funding for the continued operation of this program is contingent upon available funding in future budgets.)
Resolution No. 030109-29 was approved.
30. Approve a resolution authorizing the acquisition of personal property located on Lot 30, Linda Vista Subdivision, locally known as 10901 Linda Vista Drive, from Steven Constancio & Elvia Gonzales for the Airport Noise Mitigation Program, in the amount of \$40,029 and \$12,861 relocation benefits, for a total amount not to exceed \$52,890 plus closing cost and moving related assistance. [Funding in the amount of \$52,890 is available in the Fiscal Year 2002-2003 Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) grants.]
Resolution No. 030109-30 was approved.
31. Approve a resolution authorizing the fee simple acquisition of Lot 19, Linda Vista Subdivision, locally known as 10900 Linda Vista Drive, from Santos & Guadalupe Solis for the Airport Noise Mitigation Program, in the amount of \$78,000 and \$32,000 relocation benefits, for a total amount not to exceed of \$110,000 plus closing costs and moving related assistance. [Funding in the

amount of \$110,000 is available in the Fiscal Year 2002-2003 Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) grants.]

Resolution No. 030109-31 was approved.

Item #32 was pulled for discussion.

33. Approve execution of a contract through the TEXAS LOCAL STATEWIDE PURCHASING COOPERATIVE with their contract vendor RDO EQUIPMENT COMPANY, Manor, Texas, for the purchase of one-track loader for the Watershed Protection Development and Review Department (WPDR) in the amount of \$96,601.42. (Funding is included in the 2002-2003 Capital Budget of the Watershed Protection Development and Review Department.) The equipment has been competitively bid through the Texas Local Statewide Government Purchasing Cooperative.
The motion authorizing the execution of a contract was approved.
34. Approve execution of a 27-month service agreement with the STATE OF TEXAS, DEPARTMENT OF INFORMATION RESOURCES' (DIR) GO DIRECT PROGRAM WITH AVNET NETWORK SOLUTIONS DIVISION, Austin, Texas, to provide printer maintenance services and support for the City of Austin's printers in an amount not to exceed \$227,010, with one 24-month extension option in the amount not to exceed \$201,786, for a total contract amount of \$428,796. (Funding in the amount of \$67,262 was included in the 2002-2003 Operating Budget for various departments. Funding for the remaining nineteen months of the initial contract period and the option period will be contingent upon available funding in future budgets.) This purchase is made under the Texas Interlocal Cooperation Act; and thus satisfies the state law requirement of competitive bidding.
The motion authorizing the execution of a service agreement was approved.
35. Approve execution of an 11-month supply agreement through the STATE OF TEXAS, TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) PROGRAM WITH GRAINGER, Austin, Texas, to purchase industrial supplies and equipment in an amount not to exceed \$310,000 with two 12-month extension options in an amount not to exceed \$310,000 per extension for a total contract amount not to exceed \$930,000. [Funding in the amount of \$258,333 is available in the Approved 2002-2003 Operating Budgets of various City departments. Fleet Maintenance Fund of the Finance and Administrative Services Department (\$125,000); Water and Wastewater Utility Department (\$79,167); Building Services of the Finance and Administrative Services Department (\$12,500); and funding in the amount of \$41,666 is available in the 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the remaining two months of the original contract period and the extension options is contingent upon available funding in future budgets.] This purchase is made under the Texas Interlocal Cooperation Act; and thus satisfies the state law requirement of competitive bidding.
The motion authorizing the execution of a supply agreement was approved.
36. Approve execution of a 12-month Letter of Agreement between the City of Austin, the TEXAS ASSOCIATION OF COMMUNITY HEALTH CENTER, INC., Austin, Texas, and CARDINAL HEALTH, Dublin, Ohio, for participation in a TACHC 12-month supply contract with Cardinal Health, to provide pharmaceutical products for the Community Care Services Department in an amount not to exceed \$5,300,000 with three 12-month extension options in an amount not to exceed \$5,432,500 for the first extension option, \$5,568,313 for the second extension option, and \$5,707,520 for the third extension option, for a total contract amount not to exceed \$22,008,333.

(Funding in the amount of \$4,039,000 was included in the 2002-2003 Federally Qualified Health Center Special Revenue Fund, \$421,000 was included in the Travis County Reimbursed Special Revenue fund and \$840,000 was included in the 2002-2003 David Powell Clinic Budget.) This purchase is made under the Texas Interlocal Cooperation Act; and thus, satisfies the state law requirement of competitive bidding.

The motion authorizing the execution of a Letter of Agreement was approved.

37. Approve execution of a contract with G.E. SUPPLY COMPANY, Austin, Texas, for the purchase of control system parts for the Sand Hill Energy Center, in a total amount not to exceed \$111,655.92. (Funding in the amount of \$111,655.92 was included in the 2002-2003 Amended Operating Budget of the Electric Utility Department.) Sole Bid. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. These items will be purchased directly from the authorized distributor. No subcontracting opportunities were identified; therefore, no MBE/WBE goals were established for these contracts.

The motion authorizing the execution of a contract was approved.

38. Approve execution of a contract with SIEMENS WESTINGHOUSE POWER CORPORATION, Houston, Texas, for the purchase of turbine parts, in a total amount not to exceed \$68,855.01. (Funding in the amount of \$68,855.01 was included in the 2002-2003 Amended Operating Budget of the Electric Utility Department.) Sole bid. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. These items will be purchased directly from the manufacturer. No subcontracting opportunities were identified; therefore, no MBE/WBE goals were established for these contracts.

The motion authorizing the execution of a contract was approved.

39. Approve execution of a contract with SIEMENS WESTINGHOUSE POWER CORPORATION, Houston, Texas, for the purchase of throttle valve repair parts and accessories for the Westinghouse steam turbine at the Holly Power Plant, in a total amount not to exceed \$80,707. (Funding in the amount of \$80,707 was included in the 2002-2003 Amended Operating Budget of the Electric Utility Department.) One bid received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. These items will be purchased directly from the manufacturer. No subcontracting opportunities were identified; therefore, no MBE/WBE goals were established for these contracts.

The motion authorizing the execution of a contract was approved.

40. Approve execution of two 12-month service agreements with AMERICAN PRESSURE WASH AND MAINTENANCE, INC., Austin, Texas, and W-S INDUSTRIAL SERVICES, INC., Rockdale, Texas, to provide hydro cleaning of condenser tubes at the Holly Street and Decker Creek Power Plant, in amounts not to exceed \$60,015.16 and \$84,037.44 respectively with three 12-month extension options in an amount not to exceed \$60,015.16 and \$84,037.44 respectively per extension for total contract amounts not to exceed \$240,060.64 and \$336,149.76 respectively. (Funding in the amount of \$108,039.45 was included in the 2002-2003 Amended Operating Budget for the Electric Utility Department. Funding for the balance of the contracts and extension options is contingent upon available funding in future budgets.) Low bids/five bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There were no opportunities for subcontracting; therefore, no MBE/WBE goals were established for this solicitation. All services will be provided by the contractor's own workforce.

The motion authorizing the execution of two service agreements was approved.

41. Approve execution of a 12-month supply agreement with VALMONT INDUSTRIES, INC. c/o PREFERRED SALES AGENCY, Carthage, Texas, for the purchase of circular steel poles in an amount not to exceed \$147,809, with four 12-month extension options in an amount not to exceed \$147,809 per option for a total contract amount not to exceed \$739,045. (Funding in the amount of \$147,809 is available in the 2002-2003 Amended Capital Budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bidder meeting specifications/five bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no MBE/WBE goals were established for this solicitation. This contract is for the purchase of commodities, with direct delivery by the manufacturer.
The motion authorizing the execution of a supply agreement was approved.
42. Approve negotiation and execution of a contract with ABB INC., Raleigh, NC, for the turnkey purchase of the StatCom transmission project in an amount not to exceed \$14,300,000, with a \$200,000 contingency, for a total contract amount not to exceed \$14,500,000. (Funding is available in the 2002-2003 Amended Capital Budget for the Electric Utility Department.) Best Evaluated Proposer/three proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended.
The motion authorizing the negotiation and execution of a contract was approved.
43. Approve execution of two 12-month supply agreements with SABRE TUBULAR STRUCTURE, Ft. Worth, Texas, in an amount not to exceed \$1,744,925 and THOMAS & BETTS CORP., Houston, Texas, in an amount not to exceed \$555,075 for the purchase of self weathering and galvanized steel poles, with four 12-month extension options in an amount not to exceed \$1,744,925 and \$555,075 respectively per option for total contract amounts not to exceed \$8,724,625 and \$2,775,375 respectively. (Funding in the amount of \$2,300,000 is available in the 2002-2003 Amended Capital Budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bidder meeting specifications/ten bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no MBE/WBE goals were established for this solicitation. This contract is for the purchase of commodities, with direct delivery by the manufacturer.
The motion authorizing the execution of two supply agreements was approved.
44. Approve execution of a 12-month service agreement with OVERHEAD DOOR CO. OF AUSTIN COMMERCIAL, Austin, Texas, for the maintenance and repair of overhead doors for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$49,063.84 with two 12 month extension options in an amount not to exceed \$49,063.64 per extension for a total contract amount not to exceed \$147,191.52. (Funding in the amount of \$32,709 was included in the 2002-2003 Approved Operating Budget of the Finance and Administrative Services Department, Building Services Division. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Only bid received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved.
45. Approve a 12-month subscription agreement with AUSTIN FREE-NET, Austin, Texas, to provide computer equipment and technical support, computer and Internet training, and Internet

access to support public access to the Internet in an amount not to exceed \$51,996, with four 12-month options in an amount not to exceed \$51,996 per extension for a total contract amount of \$259,830. (Funding in the amount of \$36,644 is available in the Fiscal Year 2002-2003 Approved Operating Budget for the Financial and Administrative Services Department. Funding for the remaining four months of the initial contract period and the extension options will be contingent upon available funding in the future budget.) This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. Contractor will provide all services directly to the City with its own workforce. (Recommended by Council Committee for Telecommunications Infrastructure)

The motion authorizing a subscription agreement was approved.

46. Approve execution of a 12-month supply agreement with TECHLINE INC., Austin, Texas, for fiber optic cable in an amount not to exceed \$112,675 with two 12-month extension options in an amount not to exceed \$289,435 per option for a total contract amount not to exceed \$691,545. (Funding in the amount of \$112,675 is available in the 2002-2003 Approved Capital Budget of the Transportation, Planning & Sustainability Department. (Funding for the extension options will be included in the 2003-2004 and the 2004-2005 Capital Budgets and is contingent upon approval budgets.) Low bids meeting specifications of 28 received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply agreement was approved.

47. Approve an ordinance amending Section 16-4-15 Speed Limits of the City Code by adding Spicewood Springs Road from 518 feet east of Yaupon Drive to 262 feet west of Texas Plume Road to the list of streets having a maximum speed limit of 20 miles per hour during certain times.

Ordinance No. 030109-47 was approved.

48. Approve an ordinance authorizing the acceptance of a \$2,500 grant from the TEXAS FOREST SERVICE to help control an occurrence of Oak Wilt on the Balcones Canyonlands Preserve (BCP) Cortania Tract; and amending Ordinance No 020910-01, the 2002-2003 Operating Budget; amending the Special Revenue Fund by appropriating \$2,500 in grant funds for the Water and Wastewater Utility's special revenue fund. (Funding will be provided by the Texas Forest Service. A grant match of \$2,500 is required and is available in the 2002-2003 Operating Budget of the Water and Wastewater Utility. Grant term is January 9, 2003 – September 30, 2003.) (Recommended by Water and Wastewater Commission)

Ordinance No. 030109-48 was approved.

Item #49 was pulled for discussion.

50. Approve an ordinance waiving and/or reimbursing certain fees and requirements under Chapter 15-11 of the City Code for the Strasburger 25K Run for the Hills event, held on January 4, 2003. (Council Member Daryl Slusher, Council Member Betty Dunkerley and Mayor Pro Tem Jackie Goodman)

Ordinance No. 030109-50 was approved.

51. Approve a resolution directing the City Manager to initiate amendments to certain City subdivision regulations for consistency with Travis County regulations, in accordance with the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction between the City of Austin

and Travis County. (Mayor Gus Garcia, Council Member Daryl Slusher and Mayor Pro Tem Jackie Goodman)

Resolution No. 030109-51 was approved.

52. Approve a resolution to partner with the Internal Revenue Service and the Austin Asset-Building Coalition to promote public awareness of the federal Earned Income Tax Credit and the Volunteer Income Tax Assistance (VITA) Program, providing individual assistance to lower income, disabled, senior citizens and residents with limited English proficiency. (Mayor Gus Garcia and Council Member Raul Alvarez)

Resolution No. 030109-52 was approved.

DISCUSSION ITEMS

22. C14-02-0093 – Plaza Amistad – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5100 East 7th Street (Colorado River Watershed) from LI, Limited Industrial Services district, zoning to CS-1-CO, Commercial-Liquor Sales district, zoning for Tract 1 and CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning for Tract 2. Second reading on November 21, 2002: Vote: 4-2, Alvarez and Thomas nay, Goodman absent. First reading on November 7, 2002, Vote: 5-2 (Alvarez, Thomas nay). Conditions met as follows: Conditional Overlay incorporates conditions were imposed by City Council at second ordinance reading. Applicant: Pedro SS Service (Rosa Santis). Agent: Morales & Associates (Ponciano Morales). City Staff: Annick Beaudet, 974-2975.

Ordinance No. 030109-22 was approved with an amendment rezoning Tract's 1 and 2 to CS-CO on Mayor Garcia's motion, Council Member Dunkerley's second, on a 5-2 vote. Council Members Slusher and Thomas voted nay.

23. C14-01-0134 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9530 U.S. Highway 290 East (Walnut Creek Watershed) from DR, Development Reserve district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning. First reading on November 21, 2002, Vote: 5-1, Garcia nay, Goodman absent. Conditions met as follows: Conditional Overlay incorporates conditions were imposed by City Council at first ordinance reading. Applicant: Humberto Suarez. Agent: AIC /Designers (Marco Castaneda). City Staff: Annick Beaudet, 974-2975.

Ordinance No. 030109-23 was approved on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.

BOARD OF DIRECTORS' MEETING OF AUSTIN HOUSING FINANCE CORPORATION

Mayor Garcia recessed the meeting at 4:01 p.m. to go into a meeting of the Board of Directors' of the Austin Housing Finance Corporation.

Mayor Garcia called the Council Meeting back to order at 4:53 p.m.

ZONING HEARINGS AND APPROVAL OF ORDINANCES/RESTRICTIVE COVENANTS

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

- Z-1. C14R-85-337 (RCA2) – Canyon Creek – Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as Boulder Lane (Parcel 1), a tract land located at the Southeast corner of Boulder Lane and F.M. 620 North (Parcel 2), a tract of land located at the Northeast corner of Rock Harbour Drive and F.M 620 North (Parcel 3), and a tract of land located at the Southeast corner of Rock Harbour Drive and F.M. North 620 (Parcel 4) (Bull Creek Watershed). Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Applicant: Canyon Creek Option, Ltd. (John E. Simmons). Agent: Fisher Hagood, Inc. (Julie Martin). City Staff: Sherri Gager, 974-3057.
The motion authorizing the restrictive covenant amendment was approved.

Item Z-2 was pulled for discussion.

- Z-3. C14-02-0013 – Interport South – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning and zoning property locally known as approximately 3,490 feet along the southeast side of FM 973 and approximately 3,960 feet southwest from its intersection with State Highway 71 East (Onion Creek Watershed) from DR, Development Reserve district, zoning and I-RR, Interim-Rural Residence district, zoning to LI, Limited Industrial Services district, zoning. Zoning and Platting Commission Recommendation: To grant LI-CO, Limited Industrial Services-Conditional Overlay Combining district, zoning with conditions. Applicant and Property Owner: SBJV, Ltd. (John Lloyd). Agent: Land Answers (Jim Wittliff). City Staff Wendy Walsh, 974-7719.
This item was postponed to January 16, 2003 at the applicant's request.

- Z-4. C14-02-0067 – Fairview Park NCCD Rezoning – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property located east of South Congress Avenue, south of East Riverside Drive and East Bouldin Creek, north of East Monroe Street and west of Alameda Drive, Sunset Lane and Eastside Drive (Town Lake, Blunn Creek and East Bouldin Creek Watersheds). The proposed zoning change will: 1) modify boundaries of the Neighborhood Conservation Combining District (NCCD) to add new properties, 2) modify the site development regulations applicable to the NCCD, and 3) change the base zoning districts on 53 tracts of land: from: Family Residence (SF-3) district; Family Residence-Conditional Overlay Combining (SF-3-CO) district, Multi-Family Residence-Low Density (MF-2) district, Multi-Family Residence-Low Density-Historic Combining (MF-2-H) district, Multi-Family Residence-Low Density-Neighborhood Conservation Combining (MF-2-NCCD) district, Multi-Family Residence-Medium Density (MF-3) district, Multi-Family Residence-Medium Density-Neighborhood Conservation Combining (MF-3-NCCD) district, Multi-Family Residence-Moderate-High Density (MF-4) district, Multi-Family Residence-Moderate-High Density-Historic Combining (MF-4-H) district, General Commercial Services (CS) district, Commercial-Liquor Sales (CS-1) district; to: Family Residence-Neighborhood Conservation Combining (SF-3-NCCD) district, Family Residence-Conditional Overlay-Neighborhood Conservation Combining (SF-3-CO-NCCD) district, Multi-Family Residence-Low Density-Neighborhood Conservation Combining (MF-2-NCCD) district, Multi-Family Residence-Low Density-Historic-Neighborhood Conservation Combining (MF-2-H-NCCD) district, Multi-Family Residence-Medium Density-Neighborhood Conservation Combining (MF-3-NCCD) district, Multi-Family Residence-Medium Density-Historic-Neighborhood Conservation Combining (MF-3-H-NCCD) district, Multi-Family Residence-Moderate-High Density- Neighborhood Conservation Combining (MF-4-NCCD) district, Multi-Family Residence-Moderate-High Density-Historic Combining (MF-4-H-NCCD) district, General Commercial Services-Neighborhood Conservation Combining (CS-NCCD) district, Commercial

Liquor Sales-Neighborhood Conservation Combining (CS-1-NCCD) district. Zoning and Platting Commission Recommendation: To grant Family Residence-Neighborhood Conservation Combining (SF-3-NCCD) district, Family Residence-Conditional Overlay-Neighborhood Conservation Combining (SF-3-CO-NCCD) district, Multi-Family Residence-Low Density-Neighborhood Conservation Combining (MF-2-NCCD) district, Multi-Family Residence-Low Density-Historic-Neighborhood Conservation Combining (MF-2-H-NCCD) district, Multi-Family Residence-Medium Density-Neighborhood Conservation Combining (MF-3-NCCD) district, Multi-Family Residence-Medium Density-Historic-Neighborhood Conservation Combining (MF-3-H-NCCD) district, Multi-Family Residence-Moderate-High Density-Neighborhood Conservation Combining (MF-4-NCCD) district, Multi-Family Residence-Moderate-High Density-Historic Combining (MF-4-H-NCCD) district, General Commercial Services-Neighborhood Conservation Combining (CS-NCCD) district, Commercial Liquor Sales-Neighborhood Conservation Combining (CS-1-NCCD) district, zoning; with conditions. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057. Note: A valid petition has been filed by a property owner in opposition to this rezoning request.

This item was postponed to January 30, 2003 the at Council's request.

- Z-5. C14-02-0067.01 – Fairview Park Rezoning – Tract 54 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1203 Hillside Avenue (a.k.a. 0 Hillside Avenue) (East Bouldin Creek Watershed) from Multi-family Residence-Medium Density-Neighborhood Conservation Combining (MF-3-NCCD) district, zoning to Family Residence-Neighborhood Conservation Combining (SF-3-NCCD) district, zoning. Zoning and Platting Commission Recommendation: To grant Family Residence-Neighborhood Conservation Combining (SF-3-NCCD) district, zoning. Applicant: City of Austin. Property Owners: Stanley P. Hafner and Johanna L. Sullivan. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057.

This item was postponed to January 30, 2003 at owner's request.

- Z-6. C14-02-0102 – 3401 Joint Venture – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3305-3415 West Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from I-SF-2, Interim-Single Family Standard Lot district, zoning, and SF-2, Single Family Standard Lot district, zoning to LO-MU-CO, Limited Office-Mixed Use Combining district, zoning for Tract 1 and LR, Neighborhood Commercial district, zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant LR-MU-CO, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining district, zoning. Applicant: George Cantu, Thomas Carlson, Michael Doer, Linda Cates, Kenneth Polk, Daniel and Lydia Acuna . Agent: Laretta Dowd. City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request.

This item was postponed to January 30, 2003 at staff's request.

- Z-7. C14-02-0139 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6603 and 6605 Hill Oaks Drive (Slaughter Creek Watershed-Barton Springs Zone) from SF-1, Single Family Residence Large Lot district, zoning to SF-3, Family Residence district, zoning. Zoning and Platting Commission Recommendation: To forward the request to Council without a recommendation. Applicant and Property Owner: Rathna Reddy. City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this rezoning request.

This item was postponed to March 6, 2003 at the applicant's request.

Item Z-8 was pulled for discussion.

- Z-9. C14-02-0163 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1603 Bastrop Highway (Carson Creek) from SF-3, Family Residence District, zoning to CS, General Commercial Services District, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial district, zoning with conditions. Applicant and Property Owner: Steve Mathews Company. Agent: Brown McCarroll (Nikelle Meade). City Staff: Annick Beaudet, 974-2975.

Ordinance No. 030109-Z9 was approved.

- Z-10. C14-02-0166 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5505 Montview Street (Shoal Creek Watershed) from SF-2, Single Family Standard Lot district zoning to SF-3-CO, Family-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To grant SF-3-CO, Family-Conditional Overlay Combining district, zoning. Applicant: Anthony Delmonico. Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 030109-Z10 was approved.

- Z-11. C14-02-0167 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4601 Southwest Parkway (Barton Creek Watershed-Barton Springs Zone) from LR, Neighborhood Commercial district, zoning to CS-1, Commercial-Liquor Sales district, zoning. Zoning and Platting Commission Recommendation: To grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning. Applicant and Property Owner: Cal Tex Holdings (Carroll Laborde). Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975.

The first reading of the ordinance was approved.

- Z-12. C14-02-0172 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10310 North I.H. 35 Service Road Southbound (Walnut Creek Watershed) from SF-2, Single Family Standard Lot district, zoning to CS, General Commercial Services district, zoning. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning. Applicant and Property Owner: Charles Fitts. City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 030109-Z12 was approved.

- Z-13. C14-02-0179 – Austin Center – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6818 Austin Center Drive (Shoal Creek Watershed) from GO-CO, General Office-Conditional Overlay Combining district zoning to GO-CO, General Office-Conditional Overlay Combining district, zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant GO-CO, General Office-Conditional Overlay Combining district, zoning. Applicant: HUB Properties (Adrian Overstreet). Agent: Kimley Horn and Associates (Scott Foster). City Staff: Glenn Rhoades, 974-2775.

The first reading of the ordinance was approved.

- Z-14. NPA-C2-0005.01 – Montopolis Neighborhood Plan Amendment – Approve an ordinance amending the Montopolis Neighborhood Plan and the Austin Tomorrow Plan to revise the Future

Land Use Map to change the use of a portion of the "Steiner Tract" located at 7300-7320 Riverside Drive from Office to Multifamily Residential. First Reading on November 21, 2002: Vote 6-0, Goodman absent. Planning Commission Recommendation: No recommendation. Property Owner: T.C. Steiner and Son (Robert Steiner). Agent: Minter, Joseph, & Thornhill, P.C. (John M. Joseph). City Staff: Annick Beaudet, 974-2975.

This item was postponed to January 30, 2003 at applicant's request.

- Z-15. C14-01-0010 – Steiner Tract – Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300-7320 Riverside Drive and 900 Bastrop Highway from SF-2, Single Family Standard Lot district, zoning and SF-3, Family Residence district, zoning to SF-6-CO-NP, Townhouse and Condominium Residence-Conditional Overlay-Neighborhood Plan Combining district, zoning (Tract 1) and MF-3-CO-NP, Multifamily Residence Medium Density-Conditional Overlay-Neighborhood Plan Combining district, zoning (Tract 2) and CS-NP, General Commercial Services-Neighborhood Plan Combining district, zoning (Tract 3). First reading on November 21, 2002: Vote 6-0, Goodman absent. Conditions met as follows: Conditional Overlay and restrictive covenant incorporates conditions were imposed or accepted by City Council at first ordinance reading. Applicant and Property Owner: T.C. Steiner and Son (Robert Steiner). Agent: Minter, Joseph, & Thornhill, P.C. (John M. Joseph). City Staff: Annick Beaudet, 974-2975.

This item was postponed to January 30, 2003 at applicant's request.

DISCUSSION ITEMS

49. Approve an ordinance to waive fees in the amount of \$4350.00 for the Celebration of Families to be held on April 12, 2003, Austin Convention Center, 10 am – 6pm. (Mayor Pro Tem Goodman, Mayor Garcia, Council Member Alvarez)

Ordinance No. 030109-49 was approved with the following friendly amendment on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The friendly amendments were as follows:

Council Member Thomas made a friendly amendment to not take the funds from the three sponsors.

Council Member Slusher made a friendly amendment that all the funds would be applied against his cap.

Mayor Pro Tem Goodman made a friendly amendment that one third would be applied to her cap and Council Member Slusher would apply two thirds to his cap. This was accepted by the maker of the motion and Mayor Pro Tem Goodman, who seconded the motion.

Mayor Garcia recessed the Council Meeting at 5:35 p.m. to go into Executive Session.

EXECUTIVE SESSION

The Mayor announced that Council would discuss item number 32 on the regular agenda during Executive Session.

Executive Session ended at 6:30 p.m.

Mayor Garcia called the Council Meeting back to order at 6:31 p.m.

DISCUSSION ITEMS

32. Approve a resolution to adopt new criteria for the qualifications-based matrix for selection of architects, engineers, surveyors, and landscape architects for City of Austin projects through the Request for Qualifications (RFQ) process.

Resolution No. 030109-32 was approved on Council Member Dunkerley's motion, Mayor Garcia's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

ZONING DISCUSSION ITEMS

- Z-8. C14-02-0162 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 301 West Anderson Lane (Buttermilk Branch Creek Watershed) from SF-3, Family Residence district, zoning to CS, General Commercial Services district, zoning. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning. Applicant: Texas Conference Associates of the Seventh Day Adventists (Karl Doerner). Agent: Larry Kleinkemper. City Staff: Glenn Rhoades, 974-2775.

The first reading of the ordinance was approved on Council Member Wynn's motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Thomas were off the dais.

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION

54. Conduct a public hearing to consider an ordinance amending Section 25-12, Article 4 of the City Code (Electrical Code) relating to metal clad cable. (Recommended by Electrical Board)
The public hearing was closed and Ordinance No. 030109-54 was approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 7-0 vote with the following amendment. Staff was directed to delete the section that deals with the 100-foot length and the requirement for electricians to hold cards stating they have received approved training.

ZONING DISCUSSION ITEMS

- Z-2. C14-86-025 (RCA) – Pleasant Valley Courtyards – Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 4503, 4511 and 4601 East St. Elmo Road (Williamson Creek Watershed). Planning Commission Recommendation: To forward the request to Council without a recommendation. Applicant and Property Owner: Pleasant Valley Courtyard Housing, L.P. (Craig Alter on behalf of Carlos Herrera, President). Agent: Lopez-Phelps & Associates, Inc. (Amelia Lopez-Phelps). City Staff: Wendy Walsh, 974-7719. (continued from 12/12/02)

The public hearing was closed on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote.

The motion authorizing the neighborhood's version of the restrictive covenant amendment was approved with the deletion of the words, "or until November 1, 2007, whichever occurs first," on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote. Staff was directed to give serious consideration to a median cut by Council

Member Wynn. Council Member Slusher directed staff to bring this matter back to Council for action if entry/exit is restricted when the plans for Pleasant Valley are adopted.

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION

53. Conduct a public hearing to consider an ordinance repealing Section 25-12-3, Appendix Chapter 3 of the City Code (the One and Two Family Dwelling Code 1995 Edition), adopting the International Residential Code, 2000 Edition, and adopting certain local amendments to the 2000 International Residential Code. [Recommended by Mechanical, Plumbing and Solar Board. Recommended by Building and Fire Code Board with one exception (references to the air admittance valves).]

The public hearing was closed on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Council postponed this item to January 16, 2003.

A motion to suspend the rules to allow Council to meet after 10 p.m. was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

55. Conduct a public hearing to consider an ordinance amending Title 25 of the City Code relating to development around hazardous liquid pipelines, creating a new Chapter 8-18 to the City Code relating to insurance requirements for hazardous pipelines, amending Ordinance 020910-04 to increase review fees, and creating offenses.

The public hearing was closed on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The first reading of the ordinance was approved on Council Member Slusher's motion, Council Member Thomas's second on a 7-0 vote with the following friendly amendment.

The friendly amendment from Council Member Alvarez was to bring this item back in 30 days for final reading with the option to extend the time period, if necessary. The friendly amendment was accepted by the maker of the motion and Council Member Thomas, who seconded the motion.

Council Member Slusher directed staff to continue looking at issues.

The motion to adjourn the meeting at 10:07 p.m. was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

The minutes for the Regular Meeting of January 9, 2003 were approved on January 16, 2003 on Council Member Wynn's motion, Council Member Thomas' second on a 7-0 vote.

